

Theodore C. Chen, Esq. [CA Bar 206647]

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E-filing

ORIGINAL
FILED

JUN - 5 2007

UNITED STATES DISTRICT COURT

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

Plaintiff

Mahshid Kianfard

v.

ALBERTO R. GONZALES, Attorney
General of the United States in
his official capacity;

ROBERT S. MUELLER, Director of
FBI in his official capacity;

MICHAEL CHERTOFF, Secretary of
the Department of Homeland Security in his official capacity;

EMILIO T. GONZALEZ, Director of
the United States Citizenship
and Immigration Service in his
official capacity;

Rosemary MELVILLE, District Director of the San Francisco
Citizenship and Immigration Service office in her official capacity,

Defendants

Case No.

07

2904

COMPLAINT FOR

WDB

WRIT OF MANDAMUS

USCIS Case # A96-111-781

Complaint for Writ of Mandamus
Immigration Case

COMES NOW Mahshid Kianfard ("Mrs. Kianfard") Plaintiff in the above-styled and numbered case and for her cause of action would show the Court the following:

JURISDICTION

1. Jurisdiction in this case is proper under 28 U.S.C. §§ 1331 and 1361, 5 U.S.C. § 701 *et seq.*, and 28 U.S.C. § 2201 *et seq.* Relief is requested pursuant to said statutes.

VENUE

2. Venue is proper in this court pursuant to 28 USC § 1391(e), in that this is an action against officers and agencies of the United States in their official capacities, brought in the District where a Defendant resides and where a substantial part of the events or omissions giving rise to Plaintiff's claims occurred. More specifically, the individual Plaintiff's application for lawful permanent resident status was properly filed with and has been adjudicated by the San Francisco district office of the USCIS and, to Plaintiff's knowledge, remains pending with that office waiting for FBI background check.

INTRADISTRICT ASSIGNMENT

3. According to the Civil Local Rule 3-2 (c) this Court is the proper court. This case arose in City of Dublin within Alameda County.

PARTIES

4. This action is brought against the Defendants to compel action on an application for lawful permanent resident status properly filed by Mahshid Kianfard. The application to adjust status was filed and remains within the jurisdiction of the Defendants, who have improperly withheld action on said petition and applications to Plaintiff's detriment.

5. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security of the United States (the "Secretary"), and this action is brought against him in his official capacity. He is generally charged with enforcement of the INA, and is further authorized to delegate such powers and authority to subordinate employees of the Department of Homeland Security. INA § 103(a); 8 U.S.C. § 1103(a). More specifically, the Secretary is responsible for the adjudication of applications for adjustment of status filed pursuant to INA § 245, 8 U.S.C. § 1255. The USCIS is an agency within the Department of Homeland Security to whom the Secretary's authority has in part been delegated, and is subject to the Secretary's supervision.

6. Defendant Alberto Gonzales is the Attorney General of the United States in charge of the United States Department of Justice in which FBI is part of.

7. Defendant Robert S. Mueller is the Director of the FBI the agency in charge of completing the FBI background checks.

8. Defendant Emilio T. Gonzales, is the Acting Director of the USCIS, and is generally charged with the administration of the benefits governed by the INA. INA § 103(c); 8 U.S.C. § 1103(c)

9. Defendant Rosemary Melville is the District Director for the USCIS generally charged with supervisory authority over all operations of the San Francisco, California District Office. Defendant

Rosemary Melville is the official with whom the individual Plaintiff's application for lawful permanent resident status is currently pending.

EXHAUSTION OF REMEDIES

10. Plaintiff has exhausted her administrative remedies. Plaintiff has made numerous inquiries to the USCIS concerning the status of the application to no avail (See Ex.7). There is no other mean available to Plaintiff for remedies.

FACTS

11. Mrs. Kianfard is a 38 year old native and citizen of Iran. On November 14, 2004, Mrs. Kianfard married to Amir Radpour who is the citizen of United States (See Ex.1 Copy of Mrs. Kianfrad's California Driving License; *Copy of Mrs. Kianfard's Marriage Certificate Dated November 14, 2004*; Copy of Plaintiff's Husband Mr. Radpour's Naturalization Certificate Dated October 21, 2003) and was therefore entitled to seek lawful permanent resident status as an "immediate relative" pursuant to INA §201(b)(2)(A)(i), 8 U.S.C. §1151(b)(2)(A)(i). The couple has been married since then. They currently have one child, Rostin Radpour, born on January 19, 2006. (See Ex. 2 Copy of Plaintiff's Son Rostin Radpour's Birth Certificate Dated January 19, 2006).

12. After her marriage to a United States Citizen, Mrs. Kianfard applied for Adjustment of Status with United States Citizenship and Immigration Services (USCIS) on January 18, 2005 (See Ex. 3 Copy of Plaintiff's Adjustment of Status Application Receipt Dated January 18, 2005; Copy of Notice of Receipt Dated March 11, 2005). This application was accepted by the USCIS and Mrs. Kianfard was scheduled

for interview for May 11, 2005 (See Ex. 4 Copy of Interview notice for Plaintiff's Application to Adjustment of Status Dated March 08, 2005)

13. Mrs. Kianfard and Mr. Radpour appeared for their interview at the San Francisco district office of USCIS on that date. After the interview, the USCIS officer informed Mrs. Kianfard that her application for permanent residence has been continued for security clearance (See Ex. 5 Copy of Letter of Continuance Dated May 11, 2005). It has been more than 2 years since Mrs. Kianfard filed this application, and approximately 2 years since Mrs. Kianfard has been interviewed where the regular processing for this application based on defendant's own data is regularly within six (6) months after the filling of the application. (See Ex. 6 Printout of USCIS San Francisco District Office Processing Dates Posted May 21, 2007)

14. Mrs. Kianfard made various inquiries as to the status of her application for Adjustment of Status. During all these requests, Mrs. Kianfard was informed that her application for status as permanent resident has been retained for FBI security clearance, and she will be notified when further action has been taken in her case. (See Ex. 7 Copy of the Request Made by Plaintiff on March 10, 2006 to USCIS; Copy of Assistance Request made by Plaintiff to US Senator Dianne Feinstein Dated June 27, 2006 and Senator Feinstein's Response Dated July 21, 2006; Copy of Response from Senator Feinstein's Constituent Service Representative Morgan Galli Dated September 22, 2006)

15. Defendants have sufficient information to determine Plaintiff's eligibility pursuant to applicable requirements. To date, said application has not been adjudicated. The status of pending

application is available to the public on the USCIS web site together with the anticipated processing times for each application, true and authentic copies of which are attached hereto as (See Ex. 6).

16. Defendants' refusal to act in this case due the pending FBI background check is arbitrary and not in accordance with the law. Defendants willfully, and unreasonably, have delayed in and have refused to, adjudicate Plaintiff's application for over 2 years, thereby depriving her of the right to a decision on her status to which Plaintiff is entitled.

17. Mrs. Kianfard has been damaged by being deprived of the status of lawful permanent residents during the interminable pending of her application. Mrs. Kianfard seeks to integrate fully into American life, society and culture. Becoming a permanent resident is a path to naturalization as an American citizen, with the rights and privileges inherent therein, depends upon prior permanent resident status for at least 3 years. Sec. 319 [8 U.S.C. 1430]. Mrs. Kianfard is therefore being deprived of the right to travel outside of the U.S. She is also deprived to accumulate the requisite time as permanent residents before she is eligible to apply for naturalization, as a direct result of Defendants' failure to timely adjudicate her applications to adjust status.

18. Defendants, in violation of the Administrative Procedures Act, 5 U.S.C. §§ 555(b), 701 et seq., are unlawfully withholding or unreasonably delaying action on Plaintiff's application and have failed to carry out the adjudicative functions delegated to them by law with regard to Plaintiff's case.

PRAYER

19. WHEREFORE, in view of the arguments and authorities noted herein, Plaintiffs respectfully pray that Court enter an order to:

(a) Accept jurisdiction and maintain continuing jurisdiction of this action;

(b) Issue a writ in the nature of mandamus, pursuant to 28 U.S.C. §1361 and 5 U.S.C. §706(1), compelling Defendants to make a determination of the adjustment of status application of the named plaintiff, to notify Plaintiff that her application has been granted or denied;

(c) Awarding Plaintiff's reasonable attorney's fees;


(d) Granting a preliminary injunction to maintain the status quo until the lawsuit can be determined on its merits;

(e) Declare Defendants in violation APA act; and declare as agency action unlawfully withheld and unreasonably delayed, pursuant to 5 U.S.C. §706(1), the violation by Defendants of 5 U.S.C. §706(1);

(f) Granting such other relief at law and in equity as justice may require.

Respectfully submitted,

Dated: 4th Day of June, 2007.


Theodore C. Chen, Esq.
LAW OFFICE OF FARSHAD OWJI
Attorney for Plaintiff
473 JACKSON STREET, 2ND FLOOR
SAN FRANCISCO, CA 94111
(415) 693-9583 Telephone
(415) 693-9584 Facsimile

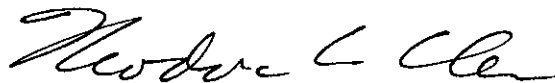
VERIFICATION

I, Theodore C. Chen, hereby verify that, to the best of my knowledge and belief, the matters stated in the Complaint for Writ of Mandamus are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at San Francisco, California

On this 6/4/2007.



Theodore C. Chen, Esq.
LAW OFFICE OF FARSHAD OWJI
Attorney for Plaintiff
473 JACKSON STREET, 2ND FLOOR
SAN FRANCISCO, CA 94111

LIST OF ATTACHMENTS

EXHIBIT DESCRIPTION OF THE ATTACHED DOCUMENT

FAMILY PHOTO OF THE PLAINTIFF

- 1 Copy of Mrs. Kianfrad's California Driving License
Copy of Mrs. Kianfard's ID Card From California Board of Registered Nursing
Copy of Mrs. Kianfard's Employment Authorization Document
Copy of Mrs. Kianfard's Marriage Certificate Dated November 14, 2004
Copy of Plaintiff's Husband Mr. Radpour's Naturalization Certificate Dated October 21, 2003
- 2 Copy of Plaintiff's Son Rostin Radpour's Birth Certificate Dated January 19, 2006
Copy of Plaintiffs Adjustment of Status Application Receipt Dated January 18, 2005
- 3 Copy of Notice of Receipt Dated March 11, 2005
- 4 Copy of Interview notice for Plaintiff's Application to Adjustment of Status Dated May 11, 2005
- 5 Copy of Letter of Continuance Dated May 11, 2005
- 6 Printout of USCIS San Francisco District Office Processing Dates Posted April 18, 2007
Copy of the Request Made by Plaintiff on March 10, 2006 to USCIS,
- 7 Assistance Request made by Plaintiff to US Senator Dianne Feinstein Dated June 27, 2006 and Senator Feinstein's Response Dated July 21, 2006
Response from Senator Feinstein's Constituent Service Representative Morgan Galli Dated September 22, 2006



EXHIBIT 1

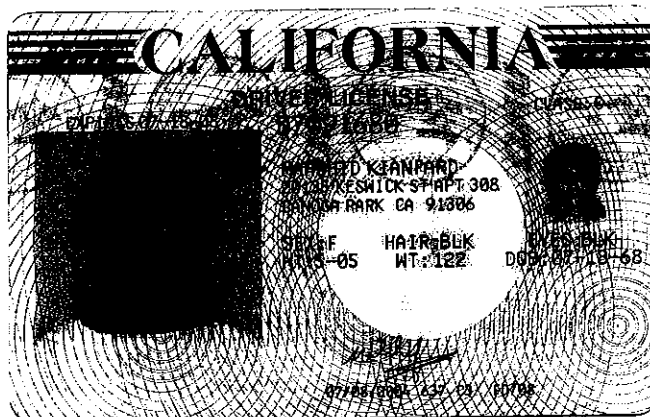
I.D. Card or
Driver License No. 070711080

Enter your new address below

4442 Bangor Ct
Dublin, CA 94568

Carry this change of address card with you on ID or
driver license. Do not type or staple it to your driver
license or ID.

631 FEB 08 2008 37 **DMV**
(REV. 9/94) A Public Service Agency



U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. Citizenship and Immigration Services

EMPLOYMENT AUTHORIZATION CARD

The person identified is authorized to work in the U.S. for the validity of this card.

NAME **KIANFARD, MAHSHID**

Mahshid



A# 096-111-781

CARD # MSC0814415180

Birthdate **07/11/88** Category **RT** Sex **F**



NOT VALID FOR REENTRY TO U.S.

CARD VALID FROM **05/10/06** EXPIRES **05/09/07**

CALIFORNIA

BOARD OF REGISTERED NURSING

Registered Nurse
License: 615435

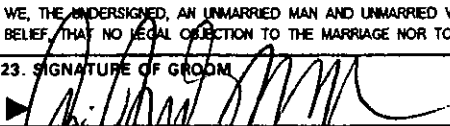
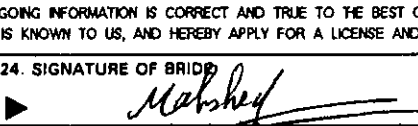



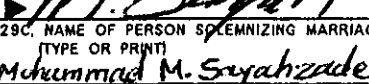
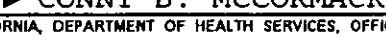

MAHSHID KIANFARD

Expiration: 08/31/2008
Status: ACTIVE



LICENSE AND CERTIFICATE OF MARRIAGE

STATE CASE NUMBER **Case 4:07-cv-02904-WDB** DEEDLE - NAME, INTERESTS, WHITE PUN, FOR OTHERS **Document Filed 08/05/2007** DNS **Page 15 of 87** LOCAL REGISTRATION NUMBER

GROOM PERSONAL DATA	1A. NAME OF GROOM--First (Given)		1B. MIDDLE		1C. LAST (FAMILY)		2. DATE OF BIRTH--Month, Day, Year	
	AMIR				RADPOUR		02/20/1963	
	3A. RESIDENCE - STREET AND NUMBER		3B. CITY		3C. ZIP CODE		3D. COUNTY-- OUTSIDE CALIFORNIA, ENTER STATE	
	5050 HACIENDA DR # 936		DUBLIN		94568		ALAMEDA	
	4. STATE OF BIRTH						IRAN	
BRIDE PERSONAL DATA	5. MAILING ADDRESS--IF DIFFERENT		6. NUMBER OF PREVIOUS MARRIAGES		7A. LAST MARRIAGE ENDED BY:		7B. DATE--Month, Day, Year	
			02		<input type="checkbox"/> DEATH <input checked="" type="checkbox"/> DISSOLUTION <input type="checkbox"/> ANNULMENT		07/23/2003	
	8A. USUAL OCCUPATION		8B. USUAL KIND OF BUSINESS OR INDUSTRY				9. EDUCATION - YEARS COMPLETED	
	DENTIST		DENTISTRY				21	
	10A. FULL NAME OF FATHER		10B. STATE OF BIRTH		11A. FULL MAIDEN NAME OF MOTHER		11B. STATE OF BIRTH	
AFFIDAVIT	SAYFOLLAH RADPOUR		IRAN		BATOUL KHAILEZADEH		IRAN	
	12A. NAME OF BRIDE - FIRST (GIVEN)		12B. MIDDLE		12C. CURRENT LAST (FAMILY)		12D. MAIDEN LAST (FAMILY) (IF DIFFERENT THAN 12C)	
	MAHSHID				KIANFARD			
	14A. RESIDENCE -- STREET AND NUMBER		14B. CITY		14C. ZIP CODE		14D. COUNTY-- OUTSIDE CALIFORNIA, ENTER STATE	
	20135 KESWICK ST # 308		CANOGA PARK		91306		LOS ANGELES	
LICENSE TO MARRY	15. STATE OF BIRTH						CALIF	
	16. MAILING ADDRESS--IF DIFFERENT		17. NUMBER OF PREVIOUS MARRIAGES		18A. LAST MARRIAGE ENDED BY:		18B. DATE -- MONTH, DAY, YEAR	
			00		<input type="checkbox"/> DEATH <input type="checkbox"/> DISSOLUTION <input type="checkbox"/> ANNULMENT			
	19A. USUAL OCCUPATION		19B. USUAL KIND OF BUSINESS OR INDUSTRY				20. EDUCATION-- YEARS COMPLETED	
	NURSE		HOSPITAL				17	
WITNESS(ES) (ONE REQUIRED)	21A. FULL NAME OF FATHER		21B. STATE OF BIRTH		22A. FULL MAIDEN NAME OF MOTHER		22B. STATE OF BIRTH	
	ABBASALI KIANFARD		IRAN		KHANOMBALA PIRVALI		IRAN	
	<p>WE, THE UNDERSIGNED, AN UNMARRIED MAN AND UNMARRIED WOMAN, STATE THAT THE FOREGOING INFORMATION IS CORRECT AND TRUE TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THAT NO LEGAL OBJECTION TO THE MARRIAGE NOR TO THE ISSUANCE OF A LICENSE IS KNOWN TO US, AND HEREBY APPLY FOR A LICENSE AND A CERTIFICATE OF MARRIAGE.</p>							
	23. SIGNATURE OF GROOM				24. SIGNATURE OF BRIDE			
								
CERTIFICATION OF PERSON SOLEMNIZING MARRIAGE	<p>AUTHORIZATION AND LICENSE IS HEREBY GIVEN TO ANY PERSON DULY AUTHORIZED BY THE LAWS OF THE STATE OF CALIFORNIA TO PERFORM A MARRIAGE CEREMONY WITHIN THE STATE OF CALIFORNIA TO SOLEMNIZE THE MARRIAGE OF THE ABOVE NAMED PERSONS. REQUIRED CONSENTS FOR THE ISSUANCE OF THIS LICENSE ARE ON FILE.</p>							
	25A. ISSUE DATE MONTH, DAY, YEAR		25B. LICENSE EXPIRES AFTER MONTH, DAY, YEAR		25C. LICENSE NUMBER		25D. COUNTY OF ISSUE	
	11/12/2004		02/10/2005		V 0006273		LOS ANGELES	
	25E. SIGNATURE OF COUNTY CLERK				25F. SIGNATURE OF DEPUTY CLERK (IF APPLICABLE)			
	CONNY B. MCCORMACK				BY  DEPUTY			
LOCAL REGISTRAR OF MARRIAGES (COUNTY RECORDER)	26A. SIGNATURE OF WITNESS		26B. ADDRESS-- STREET AND NUMBER		26C. CITY, STATE AND ZIP CODE			
								
	27A. SIGNATURE OF WITNESS		27B. ADDRESS-- STREET AND NUMBER		27C. CITY, STATE AND ZIP CODE			
								
	<p>28. I HEREBY CERTIFY THAT THE ABOVE-NAMED BRIDE AND GROOM WERE JOINED BY ME IN MARRIAGE IN ACCORDANCE WITH THE LAWS OF THE STATE OF CALIFORNIA.</p>							
ON	Nov- 14 2004		MONTH DAY YEAR		29A. SIGNATURE OF PERSON SOLEMNIZING MARRIAGE		29B. RELIGIOUS DENOMINATION (IF CLERGY)	
							Muslim	
	Los Angeles		LA		29C. NAME OF PERSON SOLEMNIZING MARRIAGE (TYPE OR PRINT)		29D. OFFICIAL TITLE	
	CITY OR TOWN		COUNTY		CALIFORNIA		Muslim Priest	
	29E. MAILING ADDRESS		29F. ZIP CODE					
22235 Wyandolite St.		91303		Canoga Park CA				
LOCAL REGISTRAR OF MARRIAGES (COUNTY RECORDER)	30A. SIGNATURE OF LOCAL REGISTRAR		30B. SIGNATURE OF DEPUTY (IF APPLICABLE)		31. DATE ACCEPTED FOR REGISTRATION			
			BY  DEPUTY					
	CONNY B. MCCORMACK							

STATE OF CALIFORNIA, DEPARTMENT OF HEALTH SERVICES, OFFICE OF STATE REGISTRAR

91 91673 VS-117 (3-91)

AFFIDAVIT

I acknowledge that I have received the brochure titled "Your Future Together"

SIGNATURE OF WIFE

DATE

SIGNATURE OF HUSBAND

DATE

THIS AFFIDAVIT MUST BE SIGNED AND RETURNED TO THE COUNTY CLERK WHO MAY DETACH AND DISCARD IT BEFORE REGISTRATION AND FILING OF THE CERTIFICATE.

CERTIFICATE OF



NATURALIZATION

No. 27983652

Personal description of holder
as of date of naturalization:

Date of birth: FEBRUARY 20, 1963

Sex: MALE

Height: 5 feet 9 inches

Marital status: DIVORCED

Country of former nationality:
IRANI certify that the description given is true, and that the photograph affixed
hereto is a likeness of me.

IN Registration No.

A070064544

Amir Radpour

(Complete and true signature of holder)

Be it known that, pursuant to an application filed with the Attorney General

at: SAN FRANCISCO, CALIFORNIA

The Attorney General having found that:

AMIR RADPOUR

then residing in the United States intends to reside in the United States when so
required by the Naturalization laws of the United States, and had in all other
respects complied with the applicable provisions of such naturalization laws and was
entitled to be admitted to citizenship, such person having taken the oath of allegiance
in a ceremony conducted by the

US DISTRICT COURT OF NORTHERN CALIFORNIA

at: SAN FRANCISCO, CALIFORNIA

on: OCTOBER 21, 2003

that such person is admitted as a citizen of the United States of America.

Frank J. Quinn
Commissioner of Immigration and Naturalization

IT IS PUNISHABLE BY U. S. LAW TO COPY,
PRINT OR PHOTOGRAPH THIS CERTIFICATE,
WITHOUT LAWFUL AUTHORITY.

EXHIBIT 2

OFFICE OF RECORDER

COUNTY OF ALAMEDA

OAKLAND, CALIFORNIA

CERTIFICATE OF LIVE BIRTH
STATE OF CALIFORNIA

1200601000490

STATE FILE NUMBER		USE BLACK INK ONLY		LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER	
THIS CHILD	1A. NAME OF CHILD — FIRST (GIVEN)	1B. MIDDLE		1C. LAST (FAMILY)	
	ROSTIN		RADPOUR		
PLACE OF BIRTH	2. SEX	3A. THIS BIRTH, SINGLE, TWIN, ETC.	3B. IF MULTIPLE, THIS CHILD 1ST, 2ND, ETC.	4A. DATE OF BIRTH — MM/DD/YYYY	4B. HOUR — (24 HOUR CLOCK TIME)
	MALE	SINGLE	-	01/19/2006	1748
FATHER OF CHILD	5A. PLACE OF BIRTH — NAME OF HOSPITAL OR FACILITY		5B. STREET ADDRESS — STREET, NUMBER, OR LOCATION		
	VALLEYCARE MEDICAL CENTER		5555 W. LAS POSITAS BLVD.		
MOTHER OF CHILD	5C. CITY		5D. COUNTY		5E. PLANNED PLACE OF BIRTH
	PLEASANTON		ALAMEDA		HOSPITAL
INFORMANT CERTIFICATION	6A. NAME OF FATHER — FIRST (GIVEN)	6B. MIDDLE	6C. LAST (FAMILY)		7. STATE OF BIRTH
	AMIR	-	RADPOUR		IRAN
CERTIFICATION OF BIRTH	8A. NAME OF MOTHER — FIRST (GIVEN)	8B. MIDDLE	8C. LAST (MAIDEN)		9. STATE OF BIRTH
	MAHSHID	-	KIANFARD		IRAN
LOCAL REGISTRAR	12A. PARENT OR OTHER INFORMANT — SIGNATURE		12B. RELATIONSHIP TO CHILD		12C. DATE SIGNED
	<i>Mahshid</i>		mother		01/23/2006
LOCAL REGISTRAR	13A. ATTENDANT OR CERTIFIER — SIGNATURE — DEGREE OR TITLE		13B. LICENSE NUMBER		13C. DATE SIGNED
	<i>Matthew Reed Him Lead</i>		G76511		01/23/2006
LOCAL REGISTRAR	13D. TYPED NAME, TITLE AND MAILING ADDRESS OF ATTENDANT			14. TYPED NAME AND TITLE OF CERTIFIER IF OTHER THAN ATTENDANT	
	MICHELLE OLIVEIRA, MD, 5575 W LAS POSITAS BLVD, PLEASANTON			MATTHEW REED, HIM LEAD	
LOCAL REGISTRAR	15A. DATE OF DEATH	15B. STATE FILE NO. (STATE USE ONLY)	16. LOCAL REGISTRAR — SIGNATURE		17. DATE ACCEPTED FOR REGISTRATION
			ANTHONY ITON, M.D.		01/24/2006

001557242

CERTIFIED COPY OF VITAL RECORDS
STATE OF CALIFORNIA, COUNTY OF ALAMEDA

This is a true and exact reproduction of the document officially registered and placed on file in the office of the Alameda County Recorder.

DATE ISSUED

APR 25 2006

This copy is not valid unless prepared on an engraved border displaying the date, seal and signature of the Recorder.



001557242

PATRICK O'CONNELL
ALAMEDA COUNTY RECORDER


EXHIBIT 3

U.S. Department of Homeland Security
630 Sansome Street
San Francisco, CA 94111



U.S. Citizenship
and Immigration
Services

Notice of Receipt

Date: 3/11/2005

A No: 96-111-781 / COA: CR6

Name: KIANFARD, MAHSHID

Address: 5050 HACIENDA DR. #936
DUBLIN, CA 94568

Your Form I-485 Application for Adjustment of Status has been received and accepted. Your interview appointment notice will be mailed to you separately. If you also applied for employment authorization and/or advance parole, notices for appearing to receive these benefits, if approved, are also enclosed.

Please carefully review all of the other material enclosed. It may include requests for evidence and documentation you must bring with you to your interview on the date assigned. Failure to bring all requested evidence and documents to your adjustment of status interview could result in immediate denial of your adjustment application. DO NOT mail documents to this office unless advised to do so.

NOTICE: You must not depart the United States without written permission from the Service while your application is pending. If you depart without permission your application will be denied. You may apply for advance parole to re-enter the United States to continue processing your application.

ADVISORY: If after April 1, 1997, you were unlawfully present in the United States for more than 180 days before filing for adjustment of status, you may be found inadmissible under Section 212(a)(9)(B)(I) of the Act when returning to the United States. If you are found inadmissible, you will need to qualify for a waiver of inadmissibility before your adjustment of status can be approved.

CHANGE OF ADDRESS: The change of address form included with this receipt is for your use to notify this office of any change of address. Please retain a copy for your records. Failure to notify this office in a timely manner of any change of address may result in denial of your applications for adjustment of status and employment authorization (EAD).

For: David N. Still, District Director

www.uscis.gov

EXHIBIT 4

Bureau of Citizenship and Immigration Services
 USBCIS
 630 Sansome Street
 San Francisco, CA 94111

REQUEST FOR EVIDENCE

Adjustment of Status Application

DO NOT MAIL DOCUMENTS TO THIS OFFICE UNLESS ADVISED TO DO SO

Applicant's Name: Mehmet Kanfak

Date: MAR - 8 2007

Alien Number: _____

Officer: DM

DOCUMENTS AND OTHER EVIDENCE REQUIRED AT THE TIME OF YOUR ADJUSTMENT OF STATUS INTERVIEW ARE LISTED BELOW. PLEASE BRING TO YOUR INTERVIEW ORIGINALS AND/OR COPIES OF ALL DOCUMENTS YOU SUBMITTED WITH YOUR APPLICATION. NOTE !! CHECK THIS LIST CAREFULLY AND BE SURE TO BRING WITH YOU TO YOUR INTERVIEW ANY DOCUMENTS LISTED THAT WERE NOT INCLUDED WITH YOUR ORIGINAL APPLICATION.

IMPORTANT: FAILURE TO BRING THE MATERIAL LISTED BELOW TO YOUR SCHEDULED INTERVIEW MAY RESULT IN DENIAL OF YOUR APPLICATION DUE TO LACK OF PROSECUTION.

REQUIRED DOCUMENTATION AND EVIDENCE	
<input checked="" type="checkbox"/>	Copies of registered birth, death, divorce, and marriage certificates to support claimed relationships (mother, father, son, daughter, brother, sister, husband, wife, and ex-spouse) as applicable.
<input checked="" type="checkbox"/>	Two (2) affidavits attesting to the birth or death of persons for whom registered certification is not available.
<input checked="" type="checkbox"/>	A Non-Availability of Document statement certified by civil authorities for any unavailable documents.
<input checked="" type="checkbox"/>	For marriage cases, evidence of marital union (rental agreement, deeds, insurance policies, utility bills, bank/credit statements, tax returns, and any other evidence to prove bona fide marriage)
<input checked="" type="checkbox"/>	English translation of any/all foreign documents
<input checked="" type="checkbox"/>	Copy of passport pages with photo and personal data, and evidence of legal entry, such as I-94, non-immigrant visa, and/or entry stamp, for all applicants.
<input checked="" type="checkbox"/>	Immigration specified color photos for all applicants
<input checked="" type="checkbox"/>	Certified copies of Final Disposition of Arrests and Police Clearances, if required by classification
<input checked="" type="checkbox"/>	Forms G-325A for all applicants and petitioner.
<input checked="" type="checkbox"/>	Form I-864 Affidavit of Support on behalf of all applicants. (I-864 must be notarized)
<input checked="" type="checkbox"/>	Employment letter with company letter head (business stationary) showing salary, starting date and position held for any sponsor and/or co-sponsor completing form(s) I-864.
<input checked="" type="checkbox"/>	Federal Income Tax Returns AND Forms W-2 for sponsor(s) completing Form I-864
<input checked="" type="checkbox"/>	Form I-693 Medical Examination & Supplemental Form for Immunizations
<input checked="" type="checkbox"/>	Copy of Naturalization Certificate or U.S. passport or U.S. Birth Certificate for petitioners and joint sponsors.
<input checked="" type="checkbox"/>	A statement from an officer of the bank or other financial institution in which you have deposits, including current balance and deposit and withdrawal history for the last 12 months.
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

EXHIBIT 5



**U.S. Citizenship
and Immigration
Services**

MAHSHID KIANFARD

A96 111 781

E-11 (PENDING)

☒ **HAND-DELIVERED** to applicant **DATE: 5/11/2005**

**THIS LETTER IS IN REFERENCE TO YOUR APPLICATION FOR PERMANENT RESIDENCE.
YOUR CASE HAS BEEN CONTINUED FOR THE REASON(S) CHECKED BELOW.**

☐ Visa Availability ☐ Fingerprints ☒ Security Clearance(s) ☐ A-file(s) ☒ Further Review
☐ Documentation (listed below) ☐ Other:

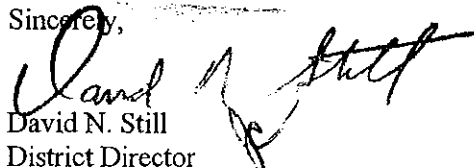
IT IS REQUESTED THAT YOU SUBMIT THE FOLLOWING DOCUMENTS:

**YOU ARE ADVISED THAT YOU ARE GRANTED A PERIOD OF NINETY (90) DAYS FROM THE DATE
OF THIS LETTER TO SUBMIT THE REQUESTED DOCUMENTS.**

**FAILURE TO COMPLY WITH THIS REQUEST WILL BE DEEMED GROUNDS FOR DENIAL OF YOUR
APPLICATION FOR LACK OF PROSECUTION.**

**PLEASE SEND REQUESTED DOCUMENTS
WITH A COPY OF THIS LETTER TO:**

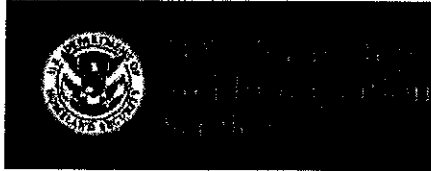
Sincerely,


David N. Still
District Director

Citizenship and Immigration Service
630 Sansome Street, Room 200 / AOS
San Francisco, CA 94111
ATTN: E11 / PENDING / A96 111 781

cc:

EXHIBIT 6



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U.S. Citizenship and Immigration Services San Francisco CA Processing Dates Posted May 21, 2007

Notice: U.S. Citizenship and Immigration Services (USCIS) has improved the reporting procedure for processing times of immigration benefit applications. In the past, USCIS benefit processing reports indicated the specific type of applications or petitions that were being processed and the date the cases were received. However, the date the case was received did not provide a clear indication of when USCIS expected to complete the case, nor did it provide a clear indication of USCIS' commitment to process cases within a certain cycle time. It also did not align with the processing times and cycle times the agency reports in other contexts.

This improved reporting procedure is an effort to give our customers more accurate information that better reflects current processing time and USCIS service level commitments. Effective immediately, when we are completing applications and petitions within our service level goals we will report that as the processing time. For example, when our service level goal is to process a particular kind of case within six months, and if our processing time is six months or less, we will show a date consistent with our service level goal because that reflects our commitment.

When we are not meeting our service level goal, the date posted will reflect the filing date of cases that are being completed. It should be noted that while in some instances reported processing dates may appear to have regressed due to this change, they do not reflect a lengthening of USCIS processing times, but simply the change in reporting. Our goal is to provide accurate projections and thus give customers clear expectations as to what they can expect as a processing time.

There are several important exceptions to the processing times shown below:

- Case processing will be delayed if we must ask you for more evidence or information.
If we ask for missing required initial evidence, count the processing time from when we receive that missing evidence.
- The case processing timeframe will start over if a customer doesn't appear for an interview or asks that it be rescheduled.

What if I have a problem or have questions about a case?

We offer a variety of services after you file. For example, for most kinds of cases you can [check the status of your case online](#).

For more information about when and how to contact us, whether your case is outside our processing time or if there are other issues, please see our fact sheet –

Case Services - How do I... know what kind of services are available to me after I file my application or petition?

One additional point about these projections. They are the time to complete processing and mail the actual notice and/or document. If you check case status online and see that your case has been approved, and you haven't yet received your approval notice or document in the mail, we ask that you wait thirty days from the approval date before contacting us. That is because it may take that long before it is returned to us as undeliverable. You can also print the case status online answer for your records.

District Office Processing Dates for **San Francisco CA** Posted May 21, 2007

Form	Form Name	Now Processing Cases with Receipt Notice Date of:
I-131	Application for Travel Documents	February 12, 2007
I-485	Application to Register Permanent Residence or Adjust Status	November 13, 2006
I-600	Petition to Classify Orphan as an Immediate Relative	February 09, 2007
I-600A	Application for Advance Processing of Orphan Petition	February 09, 2007
I-765	Application for Employment Authorization	February 26, 2007
N-400	Application for Naturalization	October 12, 2006
N-600	Application for Certification of Citizenship	February 12, 2007

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05-29-2007 05:00 PM EDT

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[U.S. Department of Homeland Security](#)

EXHIBIT 7

U.S. Department of Homeland Security
USCIS
630 Sansome Street
San Francisco, CA 94111



**U.S. Citizenship
and Immigration
Services**

Monday, March 13, 2006

MAHSHID KIANFARD
4442 BANGOR CT
DUBLIN CA 94568

Dear MAHSHID KIANFARD:

On 03/10/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	I485
Filing date:	01/18/2005
Receipt #:	
Beneficiary (if you filed for someone else):	KIANFARD, MAHSHID
Your USCIS Account Number (A-number):	A096111781
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

July 21, 2006

Ms. Mahshid Kianfard
4442 Bangor Court
Dublin, California 94568

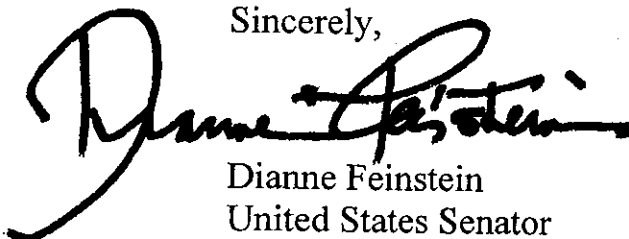
Dear Ms. Kianfard:

Thank you for contacting my office regarding your concerns with the status of your name check. I appreciate your bringing this to my attention and giving me an opportunity to see if my office can be of assistance.

I have asked Morgan Galli in my San Francisco office to assist you. Ms. Galli has contacted the Federal Bureau of Investigation on your behalf. You will hear back from my office when a response is received from the agency, which usually takes from six to eight weeks.

Again, thank you for contacting me. My San Francisco staff will do all they can to help you.

Sincerely,



Dianne Feinstein
United States Senator

DF:mg

United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

September 22, 2006

Ms. Mahshid Kianfard
4442 Bangor Court
Dublin, California 94568

Dear Ms. Kianfard:

The Federal Bureau of Investigation has told me that your name check has been pending since 04/22/05. The FBI requests that our office wait ninety days before making a follow up inquiry.

I hope that this information is helpful and that it will clarify the situation for you. If you have further questions, or if there is any way the Senator's office can help you in the future on other federal matters, I hope you will contact us again.

Sincerely,



Morgan Galli

Constituent Services Representative

U.S. Senator Dianne Feinstein

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Privacy Release Form**Immigration Assistance Form**

**All Other Casework, please complete the
following pdf form or
print this page below and return to:**

**U.S. Senator Dianne Feinstein
One Post Street, Suite 2450
San Francisco, CA 94104**

Attn: _____ People ID#: _____
(for office use only)

Senator Dianne Feinstein

Privacy Release Form

Complete, sign, and return to:

SENATOR DIANNE FEINSTEIN
One Post Street, Suite 2450
San Francisco, CA 94104

Date: 06/27/06

Name: Mahshid Kianfard

Address: 4442 Bangor ct, Dublin, CA
Zip: 94568

Home Phone: (925) 828-8465

Work Phone: cell # (818) 300-5892

Federal Agency Involved: _____

Social Security # or Agency File

#: 667-18-1402

Have you contacted our office before? NO

Have you contacted another congressional office regarding this matter? NO

If "yes" to the above, which office & when?

Is this matter currently pending before a local, state, or federal court? NO

Problem:

Please briefly explain your problem and outline the steps that have been taken by you and the agency with regards to your situation. In addition, please make your request for assistance as specific as possible. Should you require more room, feel free to attach a letter addressed directly to the Senator.

I am a 37 years old Female, Registered nurse,
live in U.S. since 1999. Work in valley care
hospital in pleasanton, CA.

my mom is a U.S. citizen (Khanom Bala Pirvali)
she applied for me to be a permanent residence
on 2001. my case was in process.

I got married to a U.S. citizen since Nov/2004
and have a little baby now.

I reapplied on Jan/2005 through my husband
We had an interview on May/11/2005 in
San Francisco office. everything went very
fine. our file was completed. The officer told me
my case will be pending for security check. I didn't
hear from them after 90 days follow up the case
Now, it is more than a year over from my interview
date. I called and even visited several times to

USCIS office in San Francisco for follow up my case.
every time they said the status still pending for
background check. I have an emergency back home
and I request your assistance to find out my case
status and also find out if a visa can be available
for me to travel outside the U.S.
please find attachments include the most recent
copies I recieved from the I.N.S.
Thank you and appreciated your assistance
mahshid kianfar

I hereby authorize U.S. Senator Dianne Feinstein and her staff to
make inquiries and obtain information related to my case currently
pending with the above
mentioned federal agency.

SIGNATURE: _____

Mahshid Kianfar

06/27/06

ASSISTANCE REQUEST

PLEASE CLEARLY TYPE OR PRINT.

Name: Mahshid Kianfard Date: 06/27/06
Street Address: 4442 Bangor Ct. Apt. #: _____
City: Dublin State: CA Zip Code: 94568
Home Phone: (925) 828-8465 Work Phone: (818) 300-5892 cell
E-mail Address: Mahshidkia@yahoo.com
**Attention Attorneys: You must attach a copy of the G-28.

SECTION I: (To be completed by all constituents.)

A. Name of the Petitioner: Amir Radpour
Name of the Beneficiary: Mahshid Kianfard
Date of Birth: 07/18/1968 Country of Birth: IRAN
Alien Registration # (Green Card) of Petitioner: A 70064544
Alien Registration # (Green Card) of Beneficiary: A 96111781
Receipt # (usually begins with "WAC"): _____

B. FORM(S) FILED: [Please mark an 'X' next to the forms you have already filed.]

____ G-639 ____ I-129F ____ I-140 ____ I-600 ☒ I-765 ____ N-526 ____ N-643
____ I-90 ☒ I-130 ☒ I-485 ____ I-600A ____ I-824 ____ N-565
____ I-129 ____ I-131 ____ I-539 ____ I-751 ____ N-400 ____ N-600

C. INS OFFICE WHERE FORM WAS FILED (Please circle the appropriate city):

San Francisco San Jose Fresno Sacramento Los Angeles Laguna Niguel San Diego

LOCATION OF CASE

- ☐ If your case is currently at the National Visa Center, please go to Section 2.
- ☐ If your case is currently at an American Consulate or Embassy, please go to Section 3.
- ☐ If neither applies, please skip to Section 4.

SECTION 2: Please complete this section if your case is currently at the NATIONAL VISA CENTER

If your case is currently at the National Visa Center in Portsmouth, New Hampshire please complete the following, otherwise skip to Section III. Please refer to the letter you received from the National Visa Center:

Case Number (or Receipt Number): _____
PA Name: _____ Preference Category: _____
Your Priority Date: _____ Foreign State Charge ability: _____

PLEASE ATTACH THE MOST RECENT CORRESPONDENCE FROM THE NATIONAL VISA CENTER OR 'NOTICE OF ACTION' FROM THE INS

Please skip to Section 4.

SECTION 3: (To be completed if your case is currently at an AMERICAN CONSULATE or EMBASSY)

Case Number: _____
American Embassy or Consulate where the File is Currently:
City: _____ Country: _____

On a separate sheet of paper please describe briefly what problems you are experiencing and how Senator Feinstein can assist you.

ATTACH A COPY OF THE MOST RECENT CORRESPONDENCE FROM THE NATIONAL VISA CENTER (unless you filed for a 'Fiancé(e) Visa', then provide a copy of the approval notice from the INS)

Please proceed to Section 4.

SECTION 4: (To be completed by all constituents.)

- ☐ Mail this form to the address indicated below.
- ☒ Include a copy of the most recent correspondence received from the INS, National Visa Center, American Embassy, and/or American Consulate.
- ☐ Include the most recent copy of the 'Notice of Action' received from the INS.
- ☒ I authorize United States Senator Dianne Feinstein to make an inquiry on my behalf.

Signature: Mahesh Date: 06/27/06

Senator Dianne Feinstein
1 Post Street, Suite 2450
San Francisco, California 94104
415-393-0707